

**CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, September 10, 2013**

NOTE: *These minutes are an unofficial record of this Planning & Zoning meeting until reviewed, corrected (if deemed appropriate), and formally approved by the Kuna Planning & Zoning Commission at a subsequent Planning & Zoning meeting.*

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	x	Wendy Howell, Planning Director	x
Vice-Chairman Stephanie Wierschem	Absent	Troy Behunin, Planner II	x
Commissioner Dana Hennis	x	Travis Jeffers, Planning Technician	x
Commissioner Cathy Gealy	x		
Commissioner Mike Bundy	x		

6:00 P.M. –COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Chairman Young called the meeting to order at 6:03pm

1. CONSENT AGENDA

- a. Meeting Minutes – August 27, 2013
- b. Kuna Event Center – Enrique Contreras, **F of F & CL**, 13-07-SUP
- c. Merlin Pointe Sub **F of F & CL** 13-01-AN, 13-01-DA, 13-01-S

Commissioner Gealy motioned to approve consent agenda; Commissioner Hennis seconds, all aye and motioned carried 3-0.

Commissioner Bundy was not present at the August 27th, 2013 meeting and therefore withheld his vote.

2. OLD BUSINESS:

None

3. PUBLIC MEETING

- a. **13-04-DR; Merlin Point Subdivision**-Design Review for Landscaping. The site is located at 1380 E. Kuna Road, Kuna, ID. (APN#'s: R0645254601 & S1324449005). **The landscaping, parking lot, lighting plan and signage will all go through design review as the parcels/phases are developed in the future, and not at this time.**

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4. PUBLIC HEARING

- a. **13-07-SUP; Kuna Event Center** – Enrique Contreras, RECONSIDERATION - Applicant is requesting reconsideration of the commission's decision requiring the connection to, and installation of pressurized irrigation lines, and to modify the application to include consumption of liquor on site.

Troy Behunin, Senior Planner located at 763 W. Avalon St. in Kuna. A request has been made for two items to be reconsidered. The first item is a request from the applicant that the City Engineer's recommended condition of approval (#4), that the applicant extend and connect to pressurized irrigation (PI) be excluded from the Special Use Permit (SUP) approval. The reconsideration is requested due to the significant cost required to extend and connect to (PI). They would be required to extend the lines more than 150', with an estimated cost of \$35-45/lineal foot. That expense would be burdensome upon the applicant for this type of application. Staff has spoken with the City Engineer and although he feels that there is a great need to extend (PI) to that part of town, he agrees that the cost is unmerited at this time. Planning and Zoning staff and the City Engineer are in agreement on this matter. Staff would like to point out that had the applicant not needed a SUP to serve alcoholic drinks that this would not have been addressed all together.

The second request by the applicant is to amend the SUP to not just include beer and wine, but to add liquor as well. The applicant recently received permission from the State to serve liquor on premises for their business. Staff also understands that the applicant has discussed this with the neighboring church and they have given their blessing including a letter of support. The reason this is coming up is because according to state law, the consumption, sell and or distribution of alcohol including beer, wine and liquor is prohibited any less than 300' from a church unless the decision making body grants a reduction in the distance. That reduction was given for the beer and wine and the applicant wishes to add liquor to that approval.

Questions:

C/Bundy asked for clarification that the City Engineer is okay with (PI) not being a requirement. Troy explained that yes he did not have any objection to that waiver.

C/Young asked if the City had a timeframe planned for extending (PI) to that area. Staff does not believe there is a known timeline.

No further questions for staff.

Applicant Representative, Dave Szplett located at 970 Ashwood Ct. in Kuna. Dave felt that Staff provided a good overview of the two main needs the applicant is requesting. The (PI) system is quite expensive and they came up with a cost estimate slightly above what Staff estimated. The approximate cost is roughly \$13,000 and given that the SUP is tied only to the liquor license and not the business, that it seems excessive to require that of the applicant.

Liquor is being added for reconsideration because the applicant was unaware at the original hearing that they would be a granted approval from the State to serve liquor so fast. The applicant is asking the Planning and Zoning Commission to change the approval to include beer, wine and liquor. The new business is located

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within 300' of the church and they have discussed the addition of liquor with Pastor, Karen Hernandez and she supports the addition. She wrote a new letter of support and the applicant has provided city staff with a copy. They did re-notice all of their signs and did not receive any phone calls or neighbors objecting.

The applicant is not seeking any further changes to the original plan.

Questions:

C/Bundy asked what the basis for the \$13,000 cost estimate was. Dave assumed that it would be roughly \$.50/foot cost and they would also have to do all of the mobilization and there would be engineering fees on top of that. It would also have to go down ACHDs Right-Of-Way (ROW) which would require a lot more work/investment.

C/Gealy asked if the applicant was willing to connect to (PI) when it became available. Dave concurred that they would be okay with that request. It could be added as a condition of approval if desired.

Public Testimony opened at 6:16pm

3 people total are in favor.

In Favor

Mitchell Jaurena, 7776 S. Old Farm Ln. in Meridian. Mitchell supports the new business venture because the applicant(s) have a proven track record within the community and have been serving Kuna for over 15 years at their restaurant. Mitchell is an ACHD Commissioner, but is speaking on his own behalf. Mitchell believes it would behoove the City to support this new business.

Stan Sanders, 250 W. 4th St. in Kuna supports the new business. Stan is in favor of taking out the (PI) requirement from the SUP approval for two reasons. The first reason is that two other businesses in the past year have opened up on 4th Street and have not been required to connect to (PI) and have been given leniency from the City to defer certain improvements because of the cost burden they would incur. The second reason is several years ago the City Engineer sent out a letter to residents asking if they would be interested in paying for (PI) to be run to their property. Most of the residents are elderly or retired and on fixed income and therefore declined what the City Engineer was proposing. Stan believes that the City Engineer is asking the applicant to run (PI) so that the City can then require nearby residents to also connect into the system. He feels that this request is unnecessary and unwanted.

Applicant Rebuttal:

Dave Szplett explained that the City has two letters of support from the church with the latter including liquor.

C/Gealy wanted to include the new letter including liquor from the Church in the applicant's file.

Public Testimony closed at 6:25pm.

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No further questions.

Planning and Zoning Commission Discussion:

C/Bundy is comfortable with the (PI) reconsideration request, but is not in favor of adding liquor to the applicant's approval. He considers the Church a public gathering place and feels that the event center is too close to give a full recommendation to include liquor. The rest of the Planning and Zoning Commissioner's present agree that the (PI) reconsideration is justifiable, but also feel that adding liquor to the approval would not create an issue with the church especially considering they have given their blessing. The event center will not be open for consistent public use. It will be used specifically for events and will only serve those invited for the special occasion.

Commissioner Hennis motioned to approve 13-07-SUP for the Kuna Event Center with the recommended conditions set forth in the Staff Report including the addition that the applicant will connect to (PI) when it becomes contiguous to the property; Commissioner Gealy seconds, motion carried 3-1.

Commissioner Bundy, nay

3. DEPARTMENT REPORTS

None

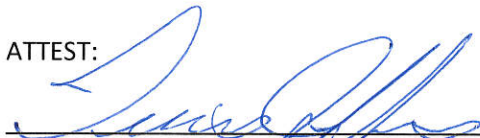
4. CHAIRMAN / COMMISSIONER DISCUSSION

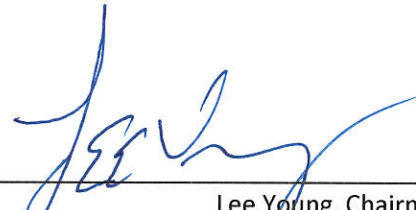
None

5. ADJOURNMENT

- *Commissioner Gealy motions to adjourn at 6:31 PM; Commissioner Hennis seconds, all aye and motion carried 4-0.*

ATTEST:


Travis Jeffers, Planning Technician
Kuna Planning and Zoning Department


Lee Young, Chairman
Kuna Planning and Zoning Commission